

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREW KEITH FINDLEY,
AKA GILLY FINDLEY,
AKA ROUNDHEAD FINDLEY,

Petitioner,

V.

MERRICK B. GARLAND,
U.S. ATTORNEY GENERAL,

Respondent.

1:20-cv-09548-GBD-VF

JOINT MOTION FOR ADDENDUM TO PROTECTIVE ORDER

The parties jointly move this Court to enter the below addendum to the Protective Order so-ordered in the above-captioned action on September 27, 2022 (Dkt. # 14) (“So-Ordered Protective Order”).

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**STIPULATED ADDENDUM TO PROTECTIVE ORDER WITH RESPECT TO USVI
DEPOSITIONS**

1. The parties agree that the below shall apply to those depositions jointly noticed to the U.S. Virgin Islands Department of Health and the U.S. Virgin Islands Bureau of Motor Vehicles (the “USVI Depositions”), currently scheduled to take place on January 19 and 20, 2023, respectively.

2. U.S. Virgin Islands agencies, including the U.S. Virgin Islands Department of Health, store data in the Virgin Islands Virtual Information System (“VIVIS”). V.I. Code Ann. tit. 3, § 27j(a). Those agencies and their staff agree to maintain the confidentiality of all data that contain personally identifiable information under U.S. Virgin Islands law. V.I. Code Ann. tit. 3, § 27j(o).

3. The parties expect that personal identifying information and other confidential information may be disclosed in the course of the USVI Depositions including, but not limited to, Petitioner's personal identifying information protected from disclosure under federal law.

4. The parties also expect that certain public and non-confidential information may be disclosed during the USVI Depositions, and that such information should not remain protected pursuant to the terms of the So-Ordered Protective Order.

5. To balance these interests, and by agreement of the parties below, the following schedule for identifying Confidential Information in the transcripts from the USVI Depositions shall apply:

- a. The deposition transcripts and associated exhibits from the USVI Depositions shall each initially be designated as Confidential, in full, pursuant to the So-Ordered Protective Order.
- b. Within fourteen (14) days of receipt of each final deposition transcript from the USVI Depositions, the parties (and/or the deponent) (“designating party or parties”) shall identify, by page and line number or exhibit number, any portions of that transcript the designating party seeks to maintain as Confidential pursuant to the So-Ordered Protective Order. The designating party shall make an effort to designate only Confidential Information that qualifies for protection pursuant to the terms of the So-Ordered Protective Order, as well as any relevant state or federal law.
- c. Within seven (7) days of receipt of a designating party’s designation of Confidential Information in each USVI Deposition transcript, a Challenging Party may challenge the propriety of a Confidential Information designation in writing.
- d. A designating party and the Challenging Party shall attempt to resolve each challenge in good faith and must begin a meet and confer process within seven (7) days after a designating party receives notice from the Challenging Party. During the conferring process, the Challenging Party must convey its basis for the

challenge, and the designating party must have an opportunity to review the applicable documents and either keep or change the designation.

- e. If the designating party decides to withdraw any designation, it shall give notice of this change to all parties. If the Challenging Party and the designating party cannot come to a resolution within fourteen (14) days of the challenge, the Challenging Party may file a motion seeking a determination from the Court.

6. Any information that remains Confidential following the designation process described above shall be treated as Confidential Information pursuant to the terms of the So-Ordered Protective Order.

7. Any terms not defined herein shall have the definitions as set forth in the So-Ordered Protective Order.

8. This Addendum may be signed in counterparts, and facsimile and electronic signatures shall be deemed as original.

SO STIPULATED AND AGREED

Dated: New York, New York
January 6, 2023

SO ORDERED



VALERIE FIGUEREDO
United States Magistrate Judge

Respectfully submitted on this 5th day of January, 2023.

Attorney for the Petitioner:

/s/ Amanda L. Dollinger

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Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREW KEITH FINDLEY,)	
AKA GILLY FINDLEY,)	
AKA ROUNDHEAD FINDLEY,)	
)	1:20-cv-09548-GBD-VF
Petitioner,)	
)	
v.)	
)	
MERRICK B. GARLAND,)	
U.S. ATTORNEY GENERAL,)	
)	
Respondent.)	

CERTIFICATION

I am aware that certain documents or information that may be disclosed to me in connection with the above captioned matter or to which I possess personal knowledge by virtue of my employment may be confidential in nature and will be designated as “CONFIDENTIAL” for purposes of this case.

I hereby agree that I will adhere to the terms outlined in the “STIPULATED ADDENDUM TO PROTECTIVE ORDER WITH RESPECT TO USVI DEPOSITIONS” as it pertains to such confidential information.

DATED:

Signed in the presence of:
